

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

INNOVATION VENTURES, LLC
d/b/a LIVING ESSENTIALS,

Plaintiff,

vs.

CASE NO. 08-11867
HON. LAWRENCE P. ZATKOFF

N.V.E., INC.,

Defendant.

**OPINION AND ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge Randon's Report and Recommendation [dkt 256], in which the Magistrate Judge recommends that Plaintiff be ordered to pay Defendant its attorneys' fees and costs in the amount of \$28,941.55 as a sanction for discovery violations. Plaintiff filed an objection to the Report and Recommendation, and Defendant filed a response to Plaintiff's objection. Plaintiff then filed an *ex parte* motion to file a reply brief in further support of its objections, along with an accompanying brief.

The Court has thoroughly reviewed the court file, the Report and Recommendation, Plaintiff's objections, Defendant's response to Plaintiff's objections, and Plaintiff's reply. Although the Magistrate Judge did not permit the filing of a reply brief, in the interests of justice, the Court will consider Plaintiff's reply. As a result of the Court's review, the Court ADOPTS the Report and Recommendation and enters it as the findings and conclusions of this Court.

Accordingly, IT IS HEREBY ORDERED that Plaintiff pay Defendant's attorneys' fees and

costs in the amount of \$28,941.55 as a sanction for its discovery violations.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: December 20, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on December 20, 2010.

s/Marie E. Verlinde
Case Manager
(810) 984-3290